IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO. 1008 OF 2007
in
NOTICE OF MOTION NO.65 OF 2007
in
L.C.SUIT NO.60 OF 2007

Vinodkumar Laxman Mourya & ors...Appellants

vs

Brihanmumbai Municipal Corpn.. Respondents

WITH APPEAL FROM ORDER NO.1009 OF 2007
in
NOTICE OF MOTION NO.193 OF 2007
in
L.C.SUIT NO.60 OF 2007

Vinodkumar Laman Mourya &ors .. Appellants

vs

Brihanmumbai Municipal Corpn. Respondents

Mr.Mukesh Vashi i/b M.P.Vashi & Associates for Appellants
Mr.A.S.Khandeparkar for Respondent nos 5 & 6
Ms Geeta Joglekar for Respondent-Corporation

CORAM : J.H.BHATIA, J

DATED : 19th December, 2007

P.C.

1. Learnd counsel for the respondent no.1 points out that in all 10 persons have joined in filing a common suit though each of them were issued notices for removal of stables. According to her, each of the plaintiff gets a separate cause of action on the basis of the notices and a common suit could not have been filed. It also appears that notices are issued under section 394 of the Bombay Municipal Corporation Act after refusalto renew their licence for the year 2007-08 and the refusal is alleged to be based on some Notification issued by the government in July, 2007. That Notification has not been produced either before the trial Court

or before this Court. Learned counsel for the respondents are not in a position to produce the Notification issued by the government. It is pointed out that the plaintiff-appellant have also not challenged the refusal to renew the licence for the year 2007-08. In view of these circumstances, Mr.Vashi seeks to withdraw the appeal and also intends to withdraw the suit with liberty to file fresh separate suits for each of the plaintiffs wherein all the relevant points can be raised. Learned counsel for the respondent no.1 makes a statement that the Corporation will not act upon the said notices till 14th January, 2008.

2. Learned counsel also seeks to withdraw Appeal No.1009 of 2007 with liberty to seek refund of the deposit amount in the suit which he intends to file after withdrawal of the present suit. Therefore, both the appeals stands disposed of as withdrawn.

(J.H.Bhatia, J)